

Appendix F. Ruby's Wetland and Waterbody Construction and Mitigation Procedures

RUBY PIPELINE PROJECT WETLAND AND WATERBODY CONSTRUCTION AND MITIGATION PROCEDURES



FERC Docket No. CP09-54-000

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**RUBY PIPELINE PROJECT
WETLAND AND WATERBODY CONSTRUCTION AND
MITIGATION PROCEDURES (PROCEDURES)
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I. APPLICABILITY

- A. The intent of these Procedures is to assist applicants by identifying baseline mitigation measures for minimizing the extent and duration of project-related disturbance on wetlands and waterbodies.

Any individual measures in these Procedures Ruby Pipeline LLC (Ruby) considers unnecessary, technically infeasible, or unsuitable due to local conditions will be specified in this document and included as Appendix F of Ruby's Plan of Development. Alternative measures proposed for implementation during the construction of its Ruby Pipeline Project (Project) will be bold-faced and italicized herein.

Once a project is certificated, further changes can be approved. Any such changes from the measures in these Procedures (or the applicant's approved procedures) will be approved by the Director of the Office of Energy Projects (Director), upon the applicant's written request, if the Director agrees that an alternative measure:

1. provides equal or better environmental protection;
2. is necessary because a portion of these Procedures is infeasible or unworkable based on project-specific conditions; or
3. is specifically required in writing by another Federal, state, or Native American land management agency for the portion of the project on its land or under its jurisdiction.

Project-related impacts on non-wetland areas are addressed in the Ruby's Upland Erosion Control, Revegetation, and Maintenance Plan (Plan).

B. DEFINITIONS

1. "Waterbody" includes any natural or artificial stream, river, or drainage with perceptible flow at the time of crossing, and other permanent waterbodies such as ponds and lakes:
 - a. "minor waterbody" includes all waterbodies less than or equal to 10 feet wide at the water's edge at the time of crossing;
 - b. "intermediate waterbody" includes all waterbodies greater than 10 feet wide but less than or equal to 100 feet wide at the water's edge at the time of crossing; and

- c. "major waterbody" includes all waterbodies greater than 100 feet wide at the water's edge at the time of crossing.
- 2. "Wetland" includes any area that is not in actively cultivated or rotated cropland and that satisfies the requirements of the current Federal methodology for identifying and delineating wetlands.

II. PRECONSTRUCTION FILING

- A. The following information shall be filed with the Secretary prior to the beginning of construction:
 - 1. the hydrostatic testing information specified in section VII.B.3. and a wetland delineation report as described in section VI.A.1., if applicable; and
 - 2. a schedule identifying when trenching or blasting would occur within each waterbody greater than 10 feet wide, or within any designated coldwater fishery. The project sponsor shall revise the schedule as necessary to provide FERC staff at least 14 days advance notice. Changes within this last 14-day period must provide for at least 48 hours advance notice.
- B. The following site-specific construction plans required by these Procedures must be filed with the Secretary for the review and written approval by the Director:
 - 1. plans for extra work areas that would be closer than 50 feet from a waterbody or wetland;
 - 2. plans for major waterbody crossings;
 - 3. plans for the use of a construction right-of-way greater than 75 feet wide in wetlands; and
 - 4. plans for horizontal directional drill (HDD) "crossings" of wetlands or waterbodies.

III. ENVIRONMENTAL INSPECTORS

- A. At least one Environmental Inspector having knowledge of the wetland and waterbody conditions in the project area is required for each construction spread. The number and experience of Environmental Inspectors assigned to each construction spread should be appropriate for the length of the construction spread and the number/significance of resources affected.

- B. The Environmental Inspector's responsibilities are outlined in the Upland Erosion Control, Revegetation, and Maintenance Plan (Plan).

IV. PRECONSTRUCTION PLANNING

- A. A copy of the Stormwater Pollution Prevention Plan (SWPPP) prepared for compliance with the U.S. Environmental Protection Agency's (EPA) National Stormwater Program General Permit requirements must be available in the field on each construction spread. The SWPPP shall contain Spill Prevention and Response Procedures that meet the requirements of state and Federal agencies.

- 1. It shall be the responsibility of the project sponsor and its contractors to structure their operations in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to waterbodies or wetlands. The project sponsor and its contractors must, at a minimum, ensure that:
 - a. all employees handling fuels and other hazardous materials are properly trained;
 - b. all equipment is in good operating order and inspected on a regular basis;
 - c. fuel trucks transporting fuel to on-site equipment travel only on approved access roads;
 - d. all equipment is parked overnight and/or fueled at least 100 feet from a waterbody or in an upland area at least 100 feet from a wetland boundary, within 200 feet of any water supply well or spring, or within 500 feet from a waterbody or in an upland area at least 500 feet from a wetland boundary on land managed by the BLM. ***These activities can occur closer only if the Environmental Inspector finds, in advance, no reasonable alternative and the project sponsor and its contractors have taken appropriate steps (including secondary containment structures) to prevent spills and provide for prompt cleanup in the event of a spill.***

Specifically, in certain instances, refueling or fuel storage may be unavoidable due to site-specific conditions or unique construction requirements (e.g., continuously operating pumps, or refueling within wetlands). The following precautions will be taken when refueling within 100 feet of wetlands or waterbodies, 200 feet of

water supply well or spring and within 500 feet of streams, wetlands, or other waterbodies on land managed by the BLM:

- **Adequate amounts of absorbent materials and containment booms must be kept on hand by each construction crew to enable the rapid cleanup of any spill which may occur.**
 - **If fuel must be stored within wetlands or near streams for refueling of continuously operating pumps, secondary containment must be provided.**
 - **Secondary containment structures must be lined with suitable plastic sheeting, provide a containment volume of at least 150 percent of the storage vessel, and allow for at least one foot of freeboard.**
 - **Provide for adequate lighting of these locations and activities**
 - **Provide drip pans for vehicles parked overnight or longer;**
- e. hazardous materials, including chemicals, fuels, and lubricating oils, are not stored within 100 feet of a wetland (150 in Oregon), waterbody, or designated municipal watershed area **or within 200 feet of a water supply well or spring**, unless the location is designated for such use by an appropriate governmental authority. This applies to storage of these materials and does not apply to normal operation or use of equipment in these areas; and
- f. concrete coating activities are not performed within 100 feet of a wetland or waterbody boundary, **or within 200 feet of a water supply well or spring**, unless the location is an existing industrial site designated for such use.
2. The project sponsor and its contractors must structure their operations in a manner that provides for the prompt and effective cleanup of spills of fuel and other hazardous materials. At a minimum, the project sponsor and its contractors must:
- a. ensure that each construction crew (including cleanup crews) has on hand sufficient supplies of absorbent and barrier materials to allow the rapid containment and recovery of spilled materials and knows the procedure for reporting spills;
 - b. ensure that each construction crew has on hand sufficient tools and material to stop leaks;

- c. know the contact names and telephone numbers for all local, state, and Federal agencies (including, if necessary, the U. S. Coast Guard and the National Response Center) that must be notified of a spill; and
- d. follow the requirements of those agencies in cleaning up the spill, in excavating and disposing of soils or other materials contaminated by a spill, and in collecting and disposing of waste generated during spill cleanup.

B. AGENCY COORDINATION

The project sponsor must coordinate with the appropriate local, state, and Federal agencies as outlined in these Procedures and in the Certificate.

V. WATERBODY CROSSINGS

A. NOTIFICATION PROCEDURES AND PERMITS

- 1. Apply to the U.S. Army Corps of Engineers (COE), or its delegated agency, for the appropriate wetland and waterbody crossing permits.
- 2. Provide written notification to authorities responsible for potable surface water supply intakes located within 3 miles downstream of the crossing at least 1 week before beginning work in the waterbody, or as otherwise specified by that authority.
- 3. Apply for state-issued waterbody crossing permits and obtain individual or generic section 401 water quality certification or waiver.
- 4. Notify appropriate state authorities at least 48 hours before beginning trenching or blasting within the waterbody, or as specified in state permits.

B. INSTALLATION

- 1. Time Window for Construction

The Project would adhere to in-water work windows as required by individual state fisheries agencies or FERC, described below:

Wyoming

- July 1–August 31 for coldwater fisheries (WGFD)
- July 1–November 15 for coolwater and warmwater fisheries (WGFD)

Utah

- July 16–February 28 for Bonneville cutthroat trout fisheries (UDWR)
- June 1–September 30 for other cold water fisheries (FERC)
- June 1–November 30 for coolwater and warmwater fisheries (FERC)

Nevada

- June 1–August 31 for Spring and Fall spawning – specific fisheries (NDOW)
- June 1–December 31 for Spring spawning – specific fisheries (NDOW)
- July 1–December 31 for streams containing Lahontan cutthroat trout (USFWS)
- March 1–September 30 Fall spawning – specific fisheries (NDOW)

Oregon

- July 15–September 30 for Warner Valley tributaries (ODFW)
- July 15–September 30 for Goose Lake and tributaries (ODFW)
- July 1–January 31 for Lost River above Bonanza (ODFW)
- July 1–March 31 for Lost River below Bonanza (ODFW)
- October 15–March 31 for Bureau of Reclamation facilities

Ruby is proposing to cross all waterbodies that could contain special status species during the state-specified in-water work window and has committed to using a dry open-cut crossing method. Ruby is proposing to cross the Hams Fork River, the Bear River East, and the Bear River West (contain special status species) using a horizontal directional drill.

In the unlikely event that Ruby determines that construction through a waterbody is required outside of an in-water work window, Ruby would consult with the appropriate state and federal agencies to obtain clear, written authorization for such activities. This coordination may include close approximations of both beginning and completion dates of expected work, method of construction, potential impacts, and mitigation measures to minimize impacts. If such an action were to be approved, Ruby would ensure that all agency-required mitigation measures were incorporated into the construction sequence.

2. Extra Work Areas

- a. Locate all extra work areas (such as staging areas and additional spoil storage areas) at least 50 feet away from water's edge, except where the adjacent upland consists of actively cultivated or rotated cropland or other disturbed land.
 - b. The project sponsor shall file with the Secretary for review and written approval by the Director, a site-specific construction plan for each extra work area with a less than 50-foot setback from the water's edge, (except where the adjacent upland consists of actively cultivated or rotated cropland or other disturbed land) and a site-specific explanation of the conditions that will not permit a 50-foot setback. ***Ruby has provided this site-specific list to FERC.***
 - c. Limit clearing of vegetation between extra work areas and the edge of the waterbody to the certificated construction right-of-way.
 - d. Limit the size of extra work areas to the minimum needed to construct the waterbody crossing.
3. General Crossing Procedures
 - a. Comply with the COE, or its delegated agency, permit terms and conditions.
 - b. Construct crossings as close to perpendicular to the axis of the waterbody channel as engineering and routing conditions permit.
 - c. If the pipeline parallels a waterbody, attempt to maintain at least 15 feet of undisturbed vegetation between the waterbody (and any adjacent wetland) and the construction right-of-way.
 - d. Where waterbodies meander or have multiple channels, route the pipeline to minimize the number of waterbody crossings.
 - e. Maintain adequate flow rates to protect aquatic life, and prevent the interruption of existing downstream uses.
 - f. Waterbody buffers (extra work area setbacks, refueling restrictions, etc.) must be clearly marked in the field with signs and/or highly visible flagging until construction-related ground disturbing activities are complete.

4. Spoil Pile Placement and Control

- a. All spoil from minor and intermediate waterbody crossings, and upland spoil from major waterbody crossings, must be placed in the construction right-of-way at least 10 feet from the water's edge or in additional extra work areas as described in section V.B.2.
- b. Use sediment barriers to prevent the flow of spoil or heavily silt-laden water into any waterbody.

5. Equipment Bridges

- a. Only clearing equipment and equipment necessary for installation of equipment bridges may cross waterbodies prior to bridge installation. Limit the number of such crossings of each waterbody to one per piece of clearing equipment.
- b. Construct equipment bridges to maintain unrestricted flow and to prevent soil from entering the waterbody. Examples of such bridges include:
 - (1) equipment pads and culvert(s);
 - (2) equipment pads or railroad car bridges without culverts;
 - (3) clean rock fill and culvert(s); and
 - (4) flexi-float or portable bridges.

Additional options for equipment bridges may be utilized that achieve the performance objectives noted above. Do not use soil to construct or stabilize equipment bridges.

Design and maintain each equipment bridge to withstand and pass the highest flow expected to occur while the bridge is in place. Align culverts to prevent bank erosion or streambed scour. If necessary, install energy dissipating devices downstream of the culverts.

Design and maintain equipment bridges to prevent soil from entering the waterbody.

Remove equipment bridges as soon as possible after permanent seeding unless the COE, or its delegated agency, authorizes it as a permanent bridge.

If there will be more than 1 month between final cleanup and the beginning of permanent seeding and reasonable alternative access to the right-of-way is available, remove equipment bridges as soon as possible after final cleanup.

6. Dry-Ditch Crossing Methods

- a. Unless approved otherwise by the appropriate state agency, install the pipeline using one of the dry-ditch methods outlined below for crossings of waterbodies up to 30 feet wide (at the water's edge at the time of construction) that are state-designated as either coldwater or significant coolwater or warmwater fisheries.
- b. Dam and Pump
 - (1) The dam-and-pump method may be used without prior approval for crossings of waterbodies where pumps can adequately transfer streamflow volumes around the work area, and there are no concerns about sensitive species passage.
 - (2) Implementation of the dam-and-pump crossing method must meet the following performance criteria:
 - (i) use sufficient pumps, including on-site backup pumps, to maintain downstream flows;
 - (ii) construct dams with materials that prevent sediment and other pollutants from entering the waterbody (e.g., sandbags or clean gravel with plastic liner);
 - screen pump intakes;
 - (iv) prevent streambed scour at pump discharge; and
 - (v) monitor the dam and pumps to ensure proper operation throughout the waterbody crossing.

c. Flume Crossing

The flume crossing method requires implementation of the following steps:

- (1) install flume pipe after blasting (if necessary), but before any trenching;
- (2) use sand bag or sand bag and plastic sheeting diversion structure or equivalent to develop an effective seal and to divert stream flow through the flume pipe (some modifications to the stream bottom may be required in to achieve an effective seal);
- (3) properly align flume pipe(s) to prevent bank erosion and streambed scour;
- (4) do not remove flume pipe during trenching, pipelaying, or backfilling activities, or initial streambed restoration efforts; and
- (5) remove all flume pipes and dams that are not also part of the equipment bridge as soon as final cleanup of the stream bed and bank is complete.

d. Horizontal Directional Drill (HDD)

To the extent they were not provided as part of the pre-certification process, for each waterbody or wetland that would be crossed using the HDD method, provide a plan that includes:

- (1) site-specific construction diagrams that show the location of mud pits, pipe assembly areas, and all areas to be disturbed or cleared for construction;
- (2) a description of how an inadvertent release of drilling mud would be contained and cleaned up; and
- (3) a contingency plan for crossing the waterbody or wetland in the event the directional drill is unsuccessful and how the abandoned drill hole would be sealed, if necessary.

7. Crossings of Minor Waterbodies

Where a dry-ditch crossing is not required, minor waterbodies may be crossed using the open-cut crossing method, with the following restrictions:

- a. except for blasting and other rock breaking measures, complete instream construction activities (including trenching, pipe installation, backfill, and restoration of the streambed contours) within 24 hours. Streambanks and unconsolidated streambeds may require additional restoration after this period;
- b. limit use of equipment operating in the waterbody to that needed to construct the crossing; and
- c. equipment bridges are not required at minor waterbodies that do not have a state-designated fishery classification (e.g., agricultural or intermittent drainage ditches). However, if an equipment bridge is used it must be constructed as described in section V.B.5.

8. Crossings of Intermediate Waterbodies

Where a dry-ditch crossing is not required, intermediate waterbodies may be crossed using the open-cut crossing method, with the following restrictions:

- a. complete instream construction activities (not including blasting and other rock breaking measures) within 48 hours, unless site-specific conditions make completion within 48 hours infeasible;
- b. limit use of equipment operating in the waterbody to that needed to construct the crossing; and
- c. all other construction equipment must cross on an equipment bridge as specified in section V.B.5.

9. Crossings of Major Waterbodies

Before construction, the project sponsor shall file with the Secretary for the review and written approval by the Director a detailed, site-specific construction plan and scaled drawings identifying all areas to be disturbed by construction for each major waterbody crossing (the scaled drawings are not required for any offshore portions of pipeline projects). This plan should be developed in consultation with the appropriate state and Federal agencies and should include

extra work areas, spoil storage areas, sediment control structures, etc., as well as mitigation for navigational issues.

The Environmental Inspector may adjust the final placement of the erosion and sediment control structures in the field to maximize effectiveness.

10. Temporary Erosion and Sediment Control

Install sediment barriers (as defined in section IV.F.2.a. of the Plan) immediately after initial disturbance of the waterbody or adjacent upland. Sediment barriers must be properly maintained throughout construction and reinstalled as necessary (such as after backfilling of the trench) until replaced by permanent erosion controls or restoration of adjacent upland areas is complete. Temporary erosion and sediment control measures are addressed in more detail in the Plan; however, the following specific measures must be implemented at stream crossings:

- a. install sediment barriers across the entire construction right-of-way at all waterbody crossings, where necessary to prevent the flow of sediments into the waterbody. In the travel lane, these may consist of removable sediment barriers or driveable berms. Removable sediment barriers can be removed during the construction day, but must be re-installed after construction has stopped for the day and/or when heavy precipitation is imminent;
- b. where waterbodies are adjacent to the construction right-of-way, install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil and sediment within the construction right-of-way; and
- c. use trench plugs at all waterbody crossings, as necessary, to prevent diversion of water into upland portions of the pipeline trench and to keep any accumulated trench water out of the waterbody.

11. Trench Dewatering

Dewater the trench (either on or off the construction right-of-way) in a manner that does not cause erosion and does not result in heavily silt-laden water flowing into any waterbody. Remove the dewatering structures as soon as possible after the completion of dewatering activities.

C. RESTORATION

1. Use clean gravel or native cobbles for the upper 1 foot of trench backfill in all waterbodies that contain coldwater fisheries.
2. For open-cut crossings, stabilize waterbody banks and install temporary sediment barriers within 24 hours of completing instream construction activities. For dry-ditch crossings, complete streambed and bank stabilization before returning flow to the waterbody channel.
3. Return all waterbody banks to preconstruction contours or to a stable angle of repose as approved by the Environmental Inspector.
4. Application of riprap for bank stabilization must comply with COE, or its delegated agency, permit terms and conditions.
5. Unless otherwise specified by state permit, limit the use of riprap to areas where flow conditions preclude effective vegetative stabilization techniques such as seeding and erosion control fabric.
6. Revegetate disturbed riparian areas with conservation grasses and legumes or native plant species, preferably woody species.
7. Install a permanent slope breaker across the construction right-of-way at the base of slopes greater than 5 percent that are less than 50 feet from the waterbody, or as needed to prevent sediment transport into the waterbody. In addition, install sediment barriers as outlined in the Plan. In some areas, with the approval of the Environmental Inspector, an earthen berm may be suitable as a sediment barrier adjacent to the waterbody.
8. Sections V.C.3. through V.C.6. above also apply to those perennial or intermittent streams not flowing at the time of construction.

D. POST-CONSTRUCTION MAINTENANCE

1. Limit vegetation maintenance adjacent to waterbodies to allow a riparian strip at least 25 feet wide, as measured from the waterbody's mean high water mark, to permanently revegetate with native plant species across the entire construction right-of-way. However, to facilitate periodic pipeline corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be maintained in a herbaceous state. In addition, trees that are located within 15 feet of the pipeline that are greater than 15 feet in height may be cut and removed from the permanent right-of-way.

2. Do not use herbicides or pesticides in or within 100 feet of a waterbody except as allowed by the appropriate land management or state agency.
3. ***Conduct five years of annual monitoring, along with extended monitoring at locations where continued restoration is needed.***

VI. WETLAND CROSSINGS

A. GENERAL

1. The project sponsor shall conduct a wetland delineation using the current Federal methodology and file a wetland delineation report with the Secretary before construction. This report shall identify:
 - a. by milepost all wetlands that would be affected;
 - b. the National Wetlands Inventory (NWI) classification for each wetland;
 - c. the crossing length of each wetland in feet; and
 - d. the area of permanent and temporary disturbance that would occur in each wetland by NWI classification type.

The requirements outlined in this section do not apply to wetlands in actively cultivated or rotated cropland. Standard upland protective measures, including workspace and topsoiling requirements, apply to these agricultural wetlands.

2. Route the pipeline to avoid wetland areas to the maximum extent possible. If a wetland cannot be avoided or crossed by following an existing right-of-way, route the new pipeline in a manner that minimizes disturbance to wetlands. Where looping an existing pipeline, overlap the existing pipeline right-of-way with the new construction right-of-way. In addition, locate the loop line no more than 25 feet away from the existing pipeline unless site-specific constraints would adversely affect the stability of the existing pipeline.
3. Limit the width of the construction right-of-way to 75 feet or less. Prior written approval of the Director is required where topographic conditions or soil limitations require that the construction right-of-way width within the boundaries of a federally delineated wetland be expanded beyond 75 feet. Early in the planning process the project sponsor is encouraged to identify site-specific areas

where existing soils lack adequate unconfined compressive strength that would result in excessively wide ditches and/or difficult to contain spoil piles.

4. Wetland boundaries and buffers must be clearly marked in the field with signs and/or highly visible flagging until construction-related ground disturbing activities are complete.
5. Implement the measures of sections V. and VI. in the event a waterbody crossing is located within or adjacent to a wetland crossing. If all measures of sections V. and VI. cannot be met, the project sponsor must file with the Secretary a site-specific crossing plan for review and written approval by the Director before construction. This crossing plan shall address at a minimum:
 - a. spoil control;
 - b. equipment bridges;
 - c. restoration of waterbody banks and wetland hydrology;
 - d. timing of the waterbody crossing;
 - e. method of crossing; and
 - f. size and location of all extra work areas.
6. Do not locate aboveground facilities in any wetland, except where the location of such facilities outside of wetlands would prohibit compliance with U.S. Department of Transportation regulations.

B. INSTALLATION

1. Extra Work Areas and Access Roads
 - a. Locate all extra work areas (such as staging areas and additional spoil storage areas) at least 50 feet away from wetland boundaries, except where the adjacent upland consists of actively cultivated or rotated cropland or other disturbed land.
 - b. The project sponsor shall file with the Secretary for review and written approval by the Director, a site-specific construction plan for each extra work area with a less than 50-foot setback from wetland boundaries (except where adjacent upland consists of actively cultivated or rotated

cropland or other disturbed land) and a site-specific explanation of the conditions that will not permit a 50-foot setback.

Ruby has provided a complete list of wetlands where Ruby will require additional workspace in wetlands and wetland locations where additional workspace is proposed to be closer than 50 feet from waterbodies.

- c. Limit clearing of vegetation between extra work areas and the edge of the wetland to the certificated construction right-of-way.
- d. The construction right-of-way may be used for access when the wetland soil is firm enough to avoid rutting or the construction right-of-way has been appropriately stabilized to avoid rutting (e.g., with timber riprap, prefabricated equipment mats, or terra mats).

In wetlands that cannot be appropriately stabilized, all construction equipment other than that needed to install the wetland crossing shall use access roads located in upland areas. Where access roads in upland areas do not provide reasonable access, limit all other construction equipment to one pass through the wetland using the construction right-of-way.

- e. The only access roads, other than the construction right-of-way, that can be used in wetlands without Director approval, are those existing roads that can be used with no modification and no impact on the wetland.

2. Crossing Procedures

- a. Comply with COE, or its delegated agency, permit terms and conditions
- b. Assemble the pipeline in an upland area unless the wetland is dry enough to adequately support skids and pipe.
- c. Use "push-pull" or "float" techniques to place the pipe in the trench where water and other site conditions allow.
- d. Minimize the length of time that topsoil is segregated and the trench is open.

- e. Limit construction equipment operating in wetland areas to that needed to clear the construction right-of-way, dig the trench, fabricate and install the pipeline, backfill the trench, and restore the construction right-of-way.
- f. Cut vegetation just aboveground level, leaving existing root systems in place, and remove it from the wetland for disposal.
- g. Limit pulling of tree stumps and grading activities to directly over the trenchline. Do not grade or remove stumps or root systems from the rest of the construction right-of-way in wetlands unless the Chief Inspector and Environmental Inspector determine that safety-related construction constraints require grading or the removal of tree stumps from under the working side of the construction right-of-way. **Where the CI and EI authorize stump removal under this condition, the location, circumstances, and justification would be detailed in periodic construction reports sent to FERC.**
- h. Segregate the top 1 foot of topsoil from the area disturbed by trenching, except in areas where standing water is present or soils are saturated or frozen. Immediately after backfilling is complete, restore the segregated topsoil to its original location.
- i. Do not use rock, soil imported from outside the wetland, tree stumps, or brush riprap to support equipment on the construction right-of-way.
- j. If standing water or saturated soils are present, or if construction equipment causes ruts or mixing of the topsoil and subsoil in wetlands, use low-ground-weight construction equipment, or operate normal equipment on timber riprap, prefabricated equipment mats, or terra mats.
- k. Do not cut trees outside of the approved construction work area to obtain timber for riprap or equipment mats.
- l. Attempt to use no more than two layers of timber riprap to support equipment on the construction right-of-way.
- m. Remove all project-related material used to support equipment on the construction right-of-way upon completion of construction.

3. Temporary Sediment Control

Install sediment barriers (as defined in section IV.F.2.a. of the Plan) immediately after initial disturbance of the wetland or adjacent upland. Sediment barriers must be properly maintained throughout construction and reinstalled as necessary (such as after backfilling of the trench). Except as noted below in section VI.B.3.c., maintain sediment barriers until replaced by permanent erosion controls or restoration of adjacent upland areas is complete. Temporary erosion and sediment control measures are addressed in more detail in the Plan.

- a. Install sediment barriers across the entire construction right-of-way at all wetland crossings where necessary to prevent sediment flow into the wetland. In the travel lane, these may consist of removable sediment barriers or driveable berms. Removable sediment barriers can be removed during the construction day, but must be re-installed after construction has stopped for the day and/or when heavy precipitation is imminent
- b. Where wetlands are adjacent to the construction right-of-way and the right-of-way slopes toward the wetland, install sediment barriers along the edge of the construction right-of-way as necessary to prevent sediment flow into the wetland.
- c. Install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil and sediment within the construction right-of-way through wetlands. Remove these sediment barriers during right-of-way cleanup.

4. Trench Dewatering

Dewater the trench (either on or off the construction right-of-way) in a manner that does not cause erosion and does not result in heavily silt-laden water flowing into any wetland. Remove the dewatering structures as soon as possible after the completion of dewatering activities.

C. RESTORATION

1. Where the pipeline trench may drain a wetland, construct trench breakers and/or seal the trench bottom as necessary to maintain the original wetland hydrology.
2. For each wetland crossed, install a trench breaker at the base of slopes near the boundary between the wetland and adjacent upland areas. Install a permanent slope breaker across the construction right-of-way at the base of a slopes greater than 5 percent where the base of the slope is less than 50 feet from the wetland,

or as needed to prevent sediment transport into the wetland. In addition, install sediment barriers as outlined in the Plan. In some areas, with the approval of the Environmental Inspector, an earthen berm may be suitable as a sediment barrier adjacent to the wetland.

3. Do not use fertilizer, lime, or mulch unless required in writing by the appropriate land management or state agency.
4. Consult with the appropriate land management or state agency to develop a project-specific wetland restoration plan. The restoration plan should include measures for re-establishing herbaceous and/or woody species, controlling the invasion and spread of undesirable exotic species (e.g., purple loosestrife and phragmites), and monitoring the success of the revegetation and weed control efforts. Provide this plan to the FERC staff upon request. ***The general outline for the plan is provided below:***

Wetland Restoration Plan - Outline

- ***Site Preparation***
- ***Grading Plan***
- ***Sustaining Hydrology (includes Irrigation Plan as necessary)***
- ***Planting Plan and Schedules***
- ***Seeding Plan and Schedules (temporary and final)***
- ***Best Management Practices***
- ***Construction Schedule***

5. Until a project-specific wetland restoration plan is developed and/or implemented, temporarily revegetate the construction right-of-way with annual ryegrass at a rate of 40 pounds/acre (unless standing water is present).
6. Ensure that all disturbed areas successfully revegetate with wetland herbaceous and/or woody plant species. ***The following range of restoration techniques would be considered at specific locations:***
 - ***Wetland sod harvesting and transplanting***
 - ***Harvesting and transplanting herbaceous plugs, shrubs and trees***
 - ***Live cutting collection, storage and planting***
 - ***Wetland soil harvesting and transplanting***
 - ***Planting of commercially grown herbaceous plugs, shrubs and trees***
 - ***Planting of commercially grown wetland sod***
 - ***Temporary or permanent/above or below ground irrigation systems***
 - ***Erosion control blankets (weed free)***
 - ***Soil enrichment (decompaction and organic/nutrient amendment)***

- **Temporary seeding (sterile or native seed for site protection or nitrogen fixing)**
 - **Permanent seeding (regional native seed or site specific harvesting)**
 - **Straw mulching (weed free)**
 - **Hydro mulching (weed free)**
 - **Cattle removal and recovery systems (fencing and control water access)**
 - **Invasive plant and weed management systems**
 - **Mechanical (mowing, tilling)**
 - **Chemical (water safe herbicides)**
 - **Biological (integrated pests)**
 - **Cultural (grazing and burning)**
7. Remove temporary sediment barriers located at the boundary between wetland and adjacent upland areas after upland revegetation and stabilization of adjacent upland areas are judged to be successful as specified in section VII.A.5. of the Plan.
8. Install measures to minimize wildlife depredation at all restoration areas, including but not limited to fencing/exclosures, browse protectors and other appropriate deterrent measures.

D. POST-CONSTRUCTION **MONITORING AND** MAINTENANCE

1. Do not conduct vegetation maintenance over the full width of the permanent right-of-way in wetlands. However, to facilitate periodic pipeline corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be maintained in an herbaceous state. In addition, trees within 10 feet of the pipeline greater than 15 feet in height may be selectively cut and removed from the permanent right-of-way.
2. Do not use herbicides or pesticides in or within 100 feet of a wetland, except as allowed by the appropriate land management agency or state agency.
3. Monitor and record the success of wetland revegetation annually for the first **five** years after construction or until wetland revegetation is deemed successful by appropriate agencies. At the end of **five** years after construction, file a report with the Secretary identifying the status of the wetland revegetation efforts. Include the percent cover achieved and problem areas (weed invasion issues, poor revegetation, etc.). Continue to file a report annually until wetland

revegetation is successful. ***Refer to Ruby's Wetland Revegetation and Monitoring Plan (Appendix Q to the Plan of Development for more information).***

4. ***Maintenance measures shall be employed during the five year monitoring period to ensure successful wetland restoration, including irrigation system repair, plant replacement, non-native plant control, water structure repair, fertilization, erosion control, wildlife protection, trash removal, and/or any other related activities. Dead plants will be replaced during the growing season in which they are identified and/or immediately in the beginning of the next growing season (i.e., replacement will occur at the earliest feasible period based on seasonal limitations). All plant material will be replaced in-kind with native material; consisting of potted, nursery stock and /or native cuttings collected from local sources.***
5. Wetland revegetation shall be considered successful if the cover of herbaceous and/or woody species is at least 80 percent of the type, density, and distribution of the vegetation in adjacent wetland areas that were not disturbed by construction. If revegetation is not successful at the end of **five** years, develop and implement (in consultation with a professional wetland ecologist) a remedial revegetation plan to actively revegetate the wetland. Continue revegetation efforts until wetland revegetation is successful.

VII. HYDROSTATIC TESTING

A. NOTIFICATION PROCEDURES AND PERMITS

1. Apply for state-issued water withdrawal permits, as required.
2. Apply for National Pollutant Discharge Elimination System (NPDES) or state-issued discharge permits, as required.
3. Notify appropriate state agencies of intent to use specific sources at least 48 hours before testing activities unless they waive this requirement in writing.

B. GENERAL

1. Perform non-destructive testing of all pipeline section welds or hydrotest the pipeline sections, before installation under waterbodies or wetlands.

2. If pumps used for hydrostatic testing are within 100 feet of any waterbody or wetland, address the operation and refueling of these pumps in the project's Spill Prevention and Response Procedures.
3. The project sponsor shall file with the Secretary before construction a list identifying the location of all waterbodies proposed for use as a hydrostatic test water source or discharge location.

C. INTAKE SOURCE AND RATE

1. Screen the intake hose to prevent entrainment of fish.
2. Do not use state-designated exceptional value waters, waterbodies which provide habitat for federally listed threatened or endangered species, or waterbodies designated as public water supplies, unless appropriate Federal, state, and/or local permitting agencies grant written permission.
3. Maintain adequate flow rates to protect aquatic life, provide for all waterbody uses, and provide for downstream withdrawals of water by existing users.
4. Locate hydrostatic test manifolds outside wetlands and riparian areas to the maximum extent practicable.

D. DISCHARGE LOCATION, METHOD, AND RATE

1. Regulate discharge rate, use energy dissipation device(s), and install sediment barriers, as necessary, to prevent erosion, streambed scour, suspension of sediments, or excessive streamflow.
2. Do not discharge into state-designated exceptional value waters, waterbodies which provide habitat for federally listed threatened or endangered species, or waterbodies designated as public water supplies, unless appropriate Federal, state, and local permitting agencies grant written permission.